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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,	)	CASE NO.: 22-CR-390-RS & 22-CR-443-RS
	)	
Plaintiff,	)	STIPULATION AND ORDER TO CONTINUE
	)	STATUS CONFERENCE AND EXCLUDE TIME
v.	)	FROM APRIL 24, 2023 TO MAY 30, 2023
	)	
HEVER SUAREZ	)	
	)	
Defendant.	)	
	)	
	)	

Plaintiff United States of America, by and through its counsel of record, the United States Attorney for the Northern District of California and Assistant United States Attorney Charles Bisesto, and defendant Hever Suarez (“Defendants”), by and through his counsel of record, Amy Craig, hereby stipulates as follows:

1. On October 4, 2022, a four-count criminal Indictment was filed with the Court, charging Defendant with violations of 21 U.S.C. §§ 846, 841(a)(1), and (b)(1)(C), conspiracy to distribute and possess with intent to distribute fentanyl and heroin, 21 U.S.C. § 841(a)(1) and (b)(1)(c), possession with intent to distribute and distribution of fentanyl and heroin, and 21 U.S.C. § 843(b), unlawful use of a communication facility. *See* Dkt. 52.

2. On October 6, 2022, Defendant was arraigned on the Indictment in Magistrate Court. His matter was set for a status conference in District Court on November 8, 2022. *See* Dkt. 55.

3. This matter is currently set for a status conference on April 25, 2023.

4. Since counsel for the government returned from family leave in early March, the parties have had numerous discussions about resolving the case. Counsel for the government sent counsel for Mr. Suarez a draft plea agreement for review. The parties are now discussing potential ways to resolve the matter in consideration of the government's proposal and are working through factual disputes that impact the sentencing scheme.

5. For these reasons, the parties are requesting a further status conference date of May 30, 2023 to see if they can make progress towards a resolution. Additionally, the parties agree that excluding time until the May 30, 2023 court date will allow for effective preparation of counsel, taking into account the exercise of due diligence. *See* 18 U.S.C. §§ 3161(h)(7)(A), (B)(iv). The parties further stipulate and agree that the ends of justice served by excluding the time from April 25, 2023 through May 30, 2023 from computation under the Speedy Trial Act outweigh the best interests of the public and defendant in the prompt resolution of this case. *See id.*

The undersigned Assistant United States Attorney certifies that he has obtained approval from counsel for Defendants to file this stipulation and proposed order.

IT IS SO STIPULATED.

DATED: April 24, 2023

/s/  
CHARLES F. BISESTO  
Assistant United States Attorney

DATED: April 24, 2023

/s/  
AMY CRAIG  
Counsel for Defendant Hever Suarez

**ORDER**

Based upon the representations of counsel and for good cause shown, the Court continues the status conference date from April 25, 2023 to May 30, 2023. The Court further finds that failing to exclude the time from April 25, 2023 to May 30, 2023 would unreasonably deny defense counsel and Defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. *See* 18 U.S.C. §§ 3161(h)(7)(A), (B)(iv).

The Court further finds that the ends of justice served by excluding the time from April 25, 2023 through May 30, 2023 from computation under the Speedy Trial Act outweigh the best interests of the public and defendant in a speedy trial. *See* § 3161(h)(7)(A).

Therefore, and with the consent of the parties, IT IS HEREBY ORDERED that the time from April 25, 2023 through May 30, 2023 shall be excluded from computation under the Speedy Trial Act.

*See id.*

IT IS SO ORDERED.

DATED: April 24, 2023

  
HON. RICHARD SEEBORN  
United States Chief District Judge